

REMARKS

Introduction

Claims 59-72 are pending in this application. Claims 59 and 65 have been amended to correct minor informalities. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Objection to the Drawings under 37 CFR 1.83(a)

In the Office Action, the drawings were objected to under 37 CFR 1.83 (a). First, the Examiner asserts that the gap of claim 62 is not clearly shown in the figures. The gap recited in claim 62 is illustrated in Figure 6. As depicted in the figure, tabs 46 extend all the way around the inner circle, except that at the top there is a gap in the spacing. Applicants have amended Figure 6 to include reference number 46a to more particularly specify the gap. The specification has also been amended, without adding new matter, to include reference number 46a. A replacement sheet for Figure 6 is included herewith.

The Examiner also asserts that the alignment means recited in claim 70 is not clearly shown. An alignment means is described in paragraphs 155 and 156 and illustrated in Figures 11A and 11B. The alignment means described in this passage may comprise alignment holes 93 and alignment pins 98.

Claim Objections

Claims 59 and 65 were indicated as having minor informalities. Applicants have amended these claims as suggested by the Examiner. Accordingly, withdrawal of the claim objections is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

Claims 59-72 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. More particularly, the Examiner asserts that the method of confirming an operable electrical contact as recited in claims 65 – 68 has not been disclosed in the specification to reasonably convey to one skilled in the art that the inventors at the time of filing had possession of the claimed invention. Applicants strongly disagree.

The method recited in claims 65 – 68 is described at least in paragraph 151. For example, paragraph 151 includes the following passage:

... it provides an electrical test of proper application of connector ring 53 to breast electrode array 31 because any application other than the correct one, will cause a break (open circuit) in the continuous electrical path and indicate, as well, that electrode tabs 51 of connector ring 53 are not aligned correctly with electrode tabs 45 of breast electrode array 31.

The passage clearly refers to an electrical test. Specifically, the test is for an open circuit, which would indicate a break in the continuous path (and therefore misalignment of the electrode and the connector). One could determine whether or not there is an open circuit by sending a test signal along the conductive path. Thus, all pending claims fully described and supported by the specification and withdrawal of this rejection is requested.

Claims 62-64 and 70-72 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that the Examiner has interpreted the claims as requiring a “sequential order” based on the previous amendments to change the dependency of claims 69 – 64 and 69 – 72. However, the previous amendments to the claim dependencies do not impose any type of “sequential order” as suggested by the Examiner. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 59-68 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,660,562 (House Sr.) in view of U.S. Patent No. 5,277,197 (Church et al.). Claims 69-72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,660,562 (House Sr.) in view of U.S. Patent No. 5,277,197 (Church et al.), further in view of U.S. Patent No. 5,660,177 (Faupel et al.) and U.S. Patent No. 3,841,312 (Corasanti). Applicants traverse these rejections for at least the following reasons.

Claim 65 is directed to a method of confirming an operable electrical contact between a plurality of unlinked conducting surfaces of an electrode array and a plurality of spaced unlinked conducting surfaces of a connector comprising placing the electrode array and connector in electrical contact with respect to one another by overlapping the spaced unlinked conductive surfaces of the electrode array with the spaced unlinked conductive surfaces of the connector. None of the cited references disclose or suggest any overlapping of conductive surfaces.

The Examiner refers to various portions of House as allegedly disclosing this feature. However, House, merely discloses extending a conductive path from an electrode to a connector by connecting single points on the connector to single points on the electrode (*see, e.g.*, column 4, lines 62 – 67). The conductive elements of the connectors and the conductive elements of the electrodes do not overlap each other. More specifically, House does not disclose the use of spaced conductive surfaces that overlap each other. Rather, House appears to disclose that a single conductive surface in the connector contacts a single conductive surface in the electrode and thereby extends the conductive path.

In House, pin contacts 78, 80, 82, and 84 extend the electrical conductive paths that extend through plug 14. There is nothing in the specification to suggest that the pin contacts overlap more than one conductive surface. Furthermore, it can be seen in Figures 1 - and 6 that the pin contacts 78, 80, 82, and 84 contact points 30, 32, 34, and 38 without overlapping. Thus, House clearly fails to disclose this feature, as asserted by the Examiner. None of the other cited references overcome the deficiencies of House.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 (see, M.P.E.P. § 2143.03), and the cited references fail to disclose at least the features described above, it is respectfully submitted that claim 65 is patentable over these references.

Claims 59 – 64 and 66 – 72 depend from claim 65. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 65 is patentable for the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance.

Application No.: 10/705,988

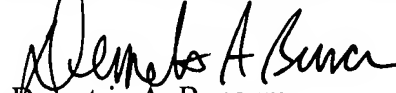
Conclusion

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Demetria A. Buncum
Registration No. 58,848

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 DAB
Facsimile: 202.756.8087
Date: September 12, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1446817-1.050162.0042